

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

Fig. 1 is amended to conform with the Examiner's observation. Corrected Fig. 1 is reflected in the attached Replacement Sheet.

Claims 17 and 24 are amended to emphasize a feature of the present invention. Claim 25 is amended to be consistent with claim 24. Claims 21 and 28 are canceled. Claims 1-16 were previously canceled. Accordingly, claims 17-20, 22-27 and 29-30 are presented for consideration.

In the Office Action under reply, claims 17-30 were rejected as being anticipated by U.S. Patent 6,698,020 (Zigmond).

It is respectfully submitted that Zigmond fails to disclose or suggest a receiving device operable at a variable subscription fee that is determined in accordance with the percentage of commercial information that is selected for display by the viewer, as specifically recited by independent claims 17 and 24. Both of these claims recite that the viewer can set displaying conditions for the commercial information, "including an option to display a selectable percentage of commercial information;" and that, depending upon the control data transmitted to a source company, the source company "determines a subscription fee in accordance with the selectable percentage option set by the viewer."

The Examiner stated, in rejecting claims 20, 22, 26 and 29, that Zigmond charges a fee for blocking commercials. While Zigmond states that, "in an extreme case, the ad selection criteria 83 may be modified in response to, for example, increased subscription fees from the

viewer in order to allow the viewer to forego advertisements altogether" (col. 14, lines 28-32), this is a far cry from determining the subscription fee in accordance with the selectable percentage of commercial information that the viewer selects for display. Whereas Zigmond suggests a two-level subscription fee, namely, a lower fee when the viewer displays advertisements and a higher fee when no advertisements whatsoever are displayed, the present invention, as defined by claims 17 and 24, provides for a variable subscription fee depending upon the percentage of commercials that the viewer elects to display. It appears the Examiner recognizes this deficiency in Zigmond, as is apparent from the rejection of claims 21 and 28 in which the Examiner points out that Zigmond describes only two ratios: "a ratio of 1 to 0." There is no suggestion or reason for Zigmond to disclose or suggest a variable subscription fee that is directly related to the percentage of commercials the viewer selects to display.

The Examiner also contends that Zigmond transmits control data to a source company. While Zigmond does describe transmitting information relating to a viewer's response to a clearinghouse (col. 4, lines 55-67), it is noted that the "control data" recited in claims 17 and 24 is formed on the basis of the display conditions, and the display conditions include "an option to display a selectable percentage of commercial information." There is no suggestion in Zigmond that the information relating to a viewer's response should be information relating to the selected percentage of commercial information chosen by the viewer.

For at least the foregoing reasons, it is respectfully submitted that Zigmond is neither anticipatory of claims 17 and 24 nor evidence that claims 17 and 24 are obvious. Accordingly, the withdrawal of the rejection of claims 17 and 24 as being anticipated by Zigmond is respectfully request.

Claims 18-20 and 22-23 depend from claims 17; and claims 25-27 and 29-30 depend from claim 24. Since these dependent claims include all of the limitations recited by claims 17 and 24, respectively, it follows that the dependent claims are patentably distinct over Zigmond for those reasons discussed above. Accordingly, the withdrawal of the rejection of the dependent claims likewise is respectfully request.

By this amendment, claims 17 and 24, together with their dependent claims, are in condition for allowance. Early notice to this effect is requested.

Statements appearing above in respect to the disclosures in the cited reference represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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